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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,701	09/17/2003	Sung Uk Moon	242937US90	3971
22850 7590 12/17/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER WENDELL, ANDREW	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 12/17/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<p align="center">Office Action Summary</p>	<p>Application No.</p> <p>10/663,701</p>	<p>Applicant(s)</p> <p>MOON ET AL.</p>	
	<p>Examiner</p> <p>Andrew Wendell</p>	<p>Art Unit</p> <p>2618</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/10/2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harel et al. (US Pat# 6,128,472) in view of Gosselin (WO 01/65885).

Regarding claim 1, Harel teaches a response signal relay configured to receive a predetermined number of response signals from at least one first mobile station in the multicast group (Col. 2 line 62-Col. 3 line 9 and Col. 4 line 36-Col. 5 line 12), receive a subsequent response signal to the common control signal from a second mobile station in the multicast group (Col. 2 line 62-Col. 3 line 9 and Col. 4 line 36-Col. 5 line 12), the subsequent response signal received after the predetermined number of response signals, transfer only the predetermined number of response signals (one response

signal) received from the at least one first mobile station to a controller (Col. 2 line 62-Col. 3 line 9 and Col. 4 line 36-Col. 5 line 12), and retain (sent to message processor) the subsequent response signal to the common control signal received from the second mobile station in the multicast group (Col. 2 line 62-Col. 3 line 9 and Col. 4 line 36-Col. 5 line 12). Harel fails to teach a common control signal.

Gosselin teaches a control signal relay configured to transmit a common control signal to a plurality of mobile stations in a multicast group (Page 4 line 30-Page 5 line 15); and a response signal relay configured to receive a predetermined number of response signals to the common control signal from at least one first mobile station in the multicast group (Page 4 line 30-Page 5 line 15), receive a subsequent response signal to the common control signal from a second mobile station in the multicast group (Page 4 line 30-Page 5 line 15).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a common control signal as taught by Gosselin into Harel's multicast apparatus in order to reduce signaling traffic (Page 3 lines 23-26).

Regarding claim 2, the combination including Harel teaches wherein the predetermined number is one (Col. 2 line 62-Col. 3 line 9 and Col. 4 line 36-Col. 5 line 12).

Regarding claim 6, Apparatus claim 6 is rejected for the same reason as apparatus claim 1 since the recited elements would perform the claimed steps.

4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kall et al. (US Pat# 7,149,195) in view of Harel et al. (US Pat# 6,128,472).

Regarding claim 4, Kall teaches the radio network controller performs a predetermined processing on a predetermined number of response signals (Col. 4 lines 4-24), the predetermined number of response signals being transmitted from at least one first mobile station and responding to a control signal for a multicast group (Col. 4 lines 4-24). Kall fails to teach performing processing on only the predetermined number of response signals.

Harel teaches a controller performing a predetermined processing on a predetermined number of response signals, the predetermined number of response signals being transmitted from at least one first mobile station and responding to a control signal for a multicast group (Col. 2 line 62-Col. 3 line 9 and Col. 4 line 36-Col. 5 line 12); and the controller performs processing on only the predetermined number of response signals (one response signal), and a subsequent response signal is unprocessed by the controller (sent to the message processor), the subsequent response signal being transmitted from a second mobile station (Col. 2 line 62-Col. 3 line 9 and Col. 4 line 36-Col. 5 line 12).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate performing processing on only the predetermined number of response signals as taught by Harel into Kall's apparatus for multicasting in order to increase capacity (Col. 2 lines 43-61).

Regarding claim 5, the combination including Harel teaches wherein the

predetermined number is one (Col. 2 line 62-Col. 3 line 9 and Col. 4 line 36-Col. 5 line 12).

Response to Arguments

5. Applicant's arguments with respect to claims 1-2 and 4-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Andrew Wendell
Examiner
Art Unit 2618

12/3/2007


NAY MAUNG
SUPERVISORY PATENT EXAMINER